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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 MYASSAR ELIAS NADDOUR,
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12 Plaintiff,

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14 v.

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17 CAROLYN W. COLVIN, Acting
18 Commissioner of Social Security,
19 Defendant.

Case No. 13-cv-1407-BAS(WVG)

ORDER:

**(1) ADOPTING IN REPORT AND
RECOMMENDATION ITS
ENTIRETY;**

**(2) GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT;**

**(3) DENYING DEFENDANT'S
CROSS-MOTION FOR SUMMARY
JUDGMENT; AND**

**(4) REMANDING FOR FURTHER
PROCEEDINGS**

[ECF Nos. 17, 11, 13]

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23 On June 13, 2013, Plaintiff Myassar Elias Naddour filed a complaint appealing
24 the decision of an administrative law judge ("ALJ") denying him disability insurance
25 benefits. The Court then referred this matter to United States Magistrate William V.
26 Gallo, who issued a Report and Recommendation ("R&R") on August 4, 2014,
27 recommending that this Court: (1) grant Plaintiff's motion for summary judgment; (2)
28 deny Defendant Carolyn W. Colvin's cross-motion for summary judgment; and (3)

1 remand this action for further proceedings. The time for filing objections to the R&R
2 expired on September 4, 2014. (R&R 48:1–5.) Both parties are represented by
3 counsel, but to date, neither party has filed any objections.

4 5 **I. ANALYSIS**

6 The Court reviews *de novo* those portions of the R&R to which objections are
7 made. 28 U.S.C. § 636(b)(1). The Court may “accept, reject, or modify, in whole or
8 in part, the findings or recommendations made by the magistrate judge.” *Id.* But “[t]he
9 statute makes it clear that the district judge must review the magistrate judge’s findings
10 and recommendations *de novo if objection is made*, but not otherwise.” *United States*
11 *v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original);
12 *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (concluding
13 that where no objections were filed, the district court had no obligation to review the
14 magistrate judge’s report). “Neither the Constitution nor the statute requires a district
15 judge to review, *de novo*, findings and recommendations that the parties themselves
16 accept as correct.” *Reyna-Tapia*, 328 F.3d at 1121. This rule of law is well-established
17 within the Ninth Circuit and this district. *See Wang v. Masaitis*, 416 F.3d 992, 1000
18 n.13 (9th Cir. 2005) (“Of course, *de novo* review of a R & R is only required when an
19 objection is made to the R & R.”); *Nelson v. Giurbino*, 395 F. Supp. 2d 946, 949 (S.D.
20 Cal. 2005) (Lorenz, J.) (adopting report in its entirety without review because neither
21 party filed objections to the report despite the opportunity to do so); *see also Nichols*
22 *v. Logan*, 355 F. Supp. 2d 1155, 1157 (S.D. Cal. 2004) (Benitez, J.).

23 In this case, the deadline for filing objections was on September 4, 2014.
24 However, no objections have been filed, and neither party has requested additional time
25 to do so. Consequently, the Court may adopt the R&R on that basis alone. *See*
26 *Reyna-Tapia*, 328 F.3d at 1121. Nonetheless, having conducted a *de novo* review of
27 the parties’ cross-motions for summary judgment and the R&R, the Court concludes
28 that Judge Gallo’s reasoning is sound and accurate in recommending that this Court


1 grant Plaintiff's motion for summary judgment and deny Defendant's cross-motion for
2 summary judgment. Therefore, the Court hereby approves and **ADOPTS IN ITS**
3 **ENTIRETY** the R&R. *See* 28 U.S.C. § 636(b)(1).

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5 **II. CONCLUSION & ORDER**

6 Having reviewed the R&R and there being no objections, the Court **ADOPTS**
7 **IN ITS ENTIRETY** the R&R (ECF No. 17), **GRANTS** Plaintiff's motion for
8 summary judgment (ECF No. 11), **DENIES** Defendant's cross-motion for summary
9 judgment (ECF No. 13), and **REMANDS** this action for further proceedings consistent
10 with this order and the R&R.

11 **IT IS SO ORDERED.**

12 **DATED: September 23, 2014**

13 
14 **Hon. Cynthia Bashant**
15 **United States District Judge**